

**MINUTES OF THE
JOINT SESSION CITY OF AUBURN HISTORIC DESIGN REVIEW COMMISSION
AND PLANNING COMMISSION MEETING
JUNE 17, 2008**

The joint session of the Auburn City Historic Design Review Commission and Planning Commission was called to order on June 17, 2008 at 6:02 p.m. by Chairman Smith in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Spokely, Nardini-Hanson, Kidd, Chrm. Smith

COMMISSIONERS ABSENT: Merz, Briggs, Elder, Worthington

STAFF PRESENT: Reg Murray, Senior Planner; Matt Fremont, Associate Planner; Joseph Scarbrough, Assistant Planner Intern; Bernie Schroeder, Engineering Division Manager; Sue Fraizer, Administrative Assistant

ITEM I: CALL TO ORDER

Chrm. Smith informed the audience that the Historic Design Review items on tonight's agenda will be continued to the July 1, 2008 meeting due to lack of a quorum.

ITEM II: PLEDGE OF ALLEGIANCE

ITEM III: APPROVAL OF MINUTES

Historic Design Review - May 20, 2008 - *CONTINUED TO MEETING OF JULY 1, 2008*

Historic Design Review - June 3, 2008 - *CONTINUED TO MEETING OF JULY 1, 2008*

The minutes of the May 20, 2008 Planning Commission meeting were approved as submitted.

ITEM IV: PUBLIC COMMENT

None.

ITEM V: PUBLIC HEARING ITEMS

- A. **Historic Design Review - 900 High Street (Bank of America) - File HDR 08-15.** The applicant requests approval of two 27 square foot wall signs on the front and rear facades of Bank of America located at 900 High Street. *CONTINUED TO JULY 1, 2008.*
- B. **Historic Design Review - 321 Commercial Street (Naughty-N-Nice) - File HDR 08-19.** The applicant requests approval of one 12 square foot hanging sign for Naughty-N-Nice located at 321 Commercial Street. *CONTINUED TO JULY 1, 2008.*
- C. **Historic Design Review & Variance - 289 Washington Street (Auburn Alehouse) - File HDR 08-13.** The applicant requests Historic Design Review and Variance approval for the installation of a wall sign and a hanging blade sign for the Auburn Alehouse located at 289 Washington Street. *CONTINUED TO JULY 1, 2008.*
- D. **Design Review Permit Amendment, Use Permit Amendment, and Tree Permit - 130 Grass Valley Highway (In-N-Out Burger Parking Lot Expansion) - File #'s DRP Amend 94-9(A); UP Amend 94-69(A); TP 07-9.** The applicant requests approval of a Design Review Permit Amendment, a Use Permit Amendment, and a Tree Permit (Files DRP Amend 94-9(A); UP Amend 94-69(A); TP 07-9) for the In-N-Out restaurant at 130 Grass Valley Highway. The applicant requests and requires approval of a DRP Amendment for the design of the parking lot, a Use Permit Amendment for expansion of the drive-thru, and a Tree Permit for the removal of several native trees.

Planner Murray gave the staff report. The project site is located immediately north of the existing In-N-Out Burger restaurant. The project will include demolition of a single family residence and accessory buildings that are on the site. The request includes extension of the existing parking lot northward to include thirty-one new parking stalls, an increase in length of the existing drive-thru by approximately 210 feet and construction of frontage improvements along Garfield Street including a new driveway, curb, gutter and sidewalk. The site work will include grading, lighting, landscaping and a pedestrian walkway. The project will include the removal of ±13 native trees and several non-native trees.

Planner Murray pointed out that there is a portion of sidewalk shown on the plans along the frontage that is privately owned; therefore the applicant's

responsibility for a new walkway ends at the northwest corner of their property.

The applicant will be required to place a commemorative plaque for Dr. John Hawver, the original owner of the subject property. Dr. Hawver was a local dentist with an interest in paleontology and some of his discoveries are on display at the Placer County Courthouse Museum and the Sierra College library.

Staff was concerned about safety with the access out to Garfield Street. The applicant provided traffic information that indicated that this access will not create any substantial traffic or safety impacts at Highway 49 or through the neighborhood. Staff has required pavement striping and signs for a right turn onto Garfield Street to direct traffic to Elm Street via Shirley Street.

The extension of the drive-thru will solve a lot of the problems with traffic congestion during peak hours.

Planner Murray reviewed the details of the project including grading and drainage, parking, landscaping and lighting. He further explained the reason for the Use Permit, Tree Permit and Lot Line Adjustment.

Staff has received only one public comment which came from the Holiday Inn located above the In-N-Out restaurant. Holiday Inn indicated its support of the request since it will alleviate congestion at the In-N-Out entrance, which is shared with Holiday Inn.

Comm. Spokely asked if the current use is non-conforming.

Planner Murray replied that this is correct. Currently it is a residence on a commercially zoned lot.

Comm. Spokely asked if the buildings on the lot have any historical significance.

Planner Murray replied that they do not.

The public hearing was opened.

Ron Boley, the Northern California Real Estate Manager for In-N-Out Burger at 13502 Hamburger Lane in Baldwin Park stated that he was involved with the opening of the restaurant 14 years ago. Currently there are traffic back-ups from time to time, especially during ski season. They see the new property as an opportunity to solve the traffic problems. They agree to all of the conditions that staff has suggested.

Comm. Spokely asked if the volume at this location is typical for most In-N-Out restaurants.

Mr. Boley replied that at times it exceeds the average traffic volume. When it was built, they thought the parking would be adequate, but it is not, especially during ski season and on week-ends.

Comm. Spokely asked if the Garfield Street driveway will be used as an entry to the restaurant.

Mr. Boley replied that a traffic engineer performed an analysis, and they believe most customers will use the main entrance due to its accessibility via a traffic signal, and will only use Garfield Street as an exit. He stated that 45% of their volume is from drive-thru traffic, so very few vehicles will exit via Garfield Street.

Comm. Spokely asked Planner Murray if there would be opportunity after this project is completed for staff to re-evaluate the traffic and impose additional requirements if the volume of traffic is still too great.

Planner Murray replied that he does not believe staff has the ability to impose additional requirements after the fact. The traffic study was not provided to the Commission due to the fact that the conclusion was that volume onto Garfield Street would be insignificant, and would not create safety issues. With signing and pavement marking to encourage customers to go toward Shirley Street, it is not expected that people will attempt to turn left and cross over Highway 49.

Comm. Spokely expressed his concern that people would attempt to enter the parking lot or drive-thru from Garfield Street.

Planner Murray replied that staff has explored the possibility of people entering on Garfield Street to get in line and staff believes that when the drive-thru is busy, the In-N-Out staff will go out to the drive-thru to take orders and direct traffic, thereby discouraging customers from "cutting" into line.

Comm. Spokely agreed that people would not be let in, but they might sit out on Garfield Street and potentially cause traffic problems there.

Planner Murray replied that there have been some design issues with this project, and staff has determined that the current design is the best alternative.

Mr. Boley added that they also gave their commitment to staff that they will police the drive-thru lane, and at peak periods they will have an individual there to make sure anyone entering from Garfield will be moved forward so they can get in the queue lane for the drive-thru from the other direction.

Planner Murray noted that if it is of substantial concern to the Commission, a condition could be added to require the applicant to have someone there when the traffic exceeds the length of the drive-thru.

Comm. Smith asked if there was consideration of one-way when the traffic study was done. He expressed his concern with safety at the exit to Garfield Street, and with traffic going out to Shirley Street.

Bernie Schroeder, the City of Auburn Engineering Division Manager stated that a number of scenarios were explored during the traffic study. An estimated 25% of cars will be exiting onto Garfield Street. It is the preference of staff to keep the signalization coming in at its current location at Highway 49.

Comm. Smith is concerned with the traffic impact of the new Elm Street building and this project combined on Shirley Street. He feels that it should be one way in at the Garfield Street driveway to prevent cars from attempting to cross Highway 49.

Planner Murray stated that the goal is to capture the overflow traffic on-site to alleviate overflow traffic off-site. If Garfield Street was made into one-way in, the Police Department and Fire Department would not have the access they need.

Mr. Boley stated that typically customers go directly to the main entrance. Local customers as well as those from out of town will not know to take a different route. The purpose of this property is to double the capacity of the drive-thru and double the amount of parking spaces. This plan will allow a circle back into the property so that they can triple or quadruple their current stacking lane. The natural exiting location will be at the main entrance location so that cars can get back onto the freeway. There will be signs at the Garfield Street exit for a right turn only.

Chrm. Smith stated that he is not convinced that people will not use the Garfield Street exit as an entrance, and he is concerned about the intersection of Garfield Street and Highway 49.

Bernie Schroeder stated that this is the same response that staff initially had and they have exhausted all options. The traffic counts support the developer's claim that the impact to the intersections will not lessen the level of service that currently exists. This is supported by the traffic engineer.

Comm. Spokely asked for clarification that the sidewalk along Garfield Street is not a part of the improvement plan.

Planner Murray explained that the developer cannot be required to install a sidewalk for the next door neighbor that owns that property.

Comm. Spokely asked if there is available right of way to allow the applicant to install sidewalk if they chose to.

Bernie Schroeder replied that there is adequate right of way to put in the improvements. The issue is maintenance of the sidewalk after it is installed. Maintenance is the responsibility of the property owner. She stated that this issue has been reviewed by the City Attorney, and although the applicant has volunteered to install the sidewalk, he cannot be required to maintain it.

Comm. Spokely asked Mr. Boley if they would be open to making the sidewalk connection if the City could find a mechanism to remove the maintenance liability.

Mr. Boley replied that they would agree to that.

David Frank, 1517 Lincoln Way in Auburn stated that he is an attorney representing William Adams who owns the apartments on Garfield Street across from the subject property. He presented a letter to the Commissioners. Mr. Adams is opposed to the project and would like for the applicant to negotiate an easement to allow an exit via the Holiday Inn parking lot. However, if the Garfield Street exit is approved he would like a condition added that sidewalk will be provided along the northern edge of Garfield Street. He would like a red curb, and No Parking signs to be placed along the southern edge of Garfield Street. He would like for the Garfield Street driveway to be an exit only. He would like for the lighting to be shielded. He requests that the trees numbered 6, 14, 15 and 21 be retained.

Comm. Spokely mentioned that some of these items, particularly lighting, have been addressed in the conditions of approval.

Mr. Frank stated that he feels CalTrans should review the improvement plans.

Planner Murray replied that CalTrans has seen the plans and they are satisfied. With reference to the request for a sign indicating exit only, a condition can be added for that.

Mr. Frank suggested white striping on the right side (coming in from Garfield Street) to prevent people from entering there.

Planner Murray replied that this would discourage entry at that location, but would not prevent it.

Chrm. Smith pointed out that the trees Mr. Frank requested to be saved are rated #1, which means they are rotted, so they will have to be removed.

William Adams of 530 The Village, #117 in Redondo Beach, California is the owner of the apartment complex across the street from this project. He asked if the drive-thru portion of the restaurant will be increased.

Comm. Spokely replied that the drive-thru will be increased.

Chrm. Smith asked Mr. Boley how many cars can currently be placed in the drive-thru, and how many cars the new drive-thru will accommodate.

Mr. Boley replied that currently the drive-thru accommodates 12-15 cars. The new drive-thru will accommodate 18 to 22 cars.

The public hearing was closed.

Chrm. Smith stated that he is very concerned about the impact to Highway 49 traffic, as well as added traffic on Shirley Street.

Bernie Schroeder stated that Chrm. Smith's concerns are similar to those of staff when the proposal came in. Widening Shirley Street is not possible and there is not enough distance for a signal at Highway 49 and Garfield Street. People who live in Auburn travel this route now and the circulation will be more controlled with the new plan. The studies have shown that the level of service at those intersections will remain at "B".

Comm. Nardini-Hanson stated that some of the issues mentioned may be addressed by adding conditions that address those issues.

Chrm. Smith suggested a condition that if the Garfield Street driveway becomes a safety issue, it can it be changed to a one-way.

Chrm. Spokely stated that he would have liked to see the traffic study. He feels that considering the location, there does not seem to be any other solution to the current traffic situation.

Planner Murray responded to the concerns. Changing the access over to Holiday Inn would be problematic due to a retaining wall. Additionally, the property next door is private property, and Holiday Inn has already denied any additional access through their property. The addition of sidewalk on the north side of Garfield Street is not the responsibility of the applicant. Garfield Street is currently being used for parking. The request for shielded lighting has already been addressed by a condition of approval. As mentioned, the trees requested to be saved are rated a number one. The Garfield Street entry signage and pavement striping could be addressed by adding a condition.

Chrm. Smith asked that the commemorative plaque be reviewed by the Placer County Courthouse Museum and the Sierra College Library for accuracy. He requested that a condition be added to address that.

Planner Murray asked if it would be acceptable that the information be verified by staff.

Chrm. Smith replied that this would be acceptable.

The Commissioners discussed the addition of conditions.

Chrm. Smith stated that knowing that the traffic rating is estimated to be "B" changes his perspective.

Comm. Spokely **MOVED** to:

Adopt Planning Commission Resolution 08-15 for the In-N-Out Parking Lot Expansion (Files # DRP AMEND 94-9(A); UP AMEND 94-69(A); TP 07-5) as amended by the following conditions:

To the satisfaction of the Public Works Department, the sidewalk shall be extended along Garfield Street from the northwest corner of the property to Hwy 49;

The applicant shall work with staff to verify the information conveyed on the commemorative plaque recognizing Dr. John Hawver.

Comm. Nardini-Hanson **SECONDED**.

AYES: Nardini-Hanson, Spokely, Smith
NOES: None
ABSTAIN: None
ABSENT: Merz, Worthington

The motion was approved.

Chrm. Smith reminded the audience of the 10-day appeal period.

ITEM VI: COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings
Three appeals were filed for the Hampton Inn project. The tentative date for the City Council to hear the appeals is July 28, 2008.
- B. Future Historic Design Review Commission Meetings
There will be a meeting on July 1, 2008.
- C. Future Planning Commission Meetings
There will be a meeting on July 1, 2008. The form-based code workshop will be held on Tuesday, June 24, 2008.
- D. Reports
None.

**ITEM VII: HISTORIC DESIGN REVIEW AND PLANNING
COMMISSION REPORTS**

None.

**ITEM VIII: FUTURE HISTORIC DESIGN REVIEW COMMISSION
AND PLANNING COMMISSION AGENDA ITEMS**

None.

ITEM IX: ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Susan Fraizer, Administrative Assistant